

DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATIONS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,  
and

I believe I am an original, first and joint inventor of the subject matter which is claimed  
and for which a patent is sought on the invention entitled

HERBICIDE TOLERANT PROTOX GENES PRODUCED BY DNA  
SHUFFLING

the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified  
specification, including the claims.

I acknowledge my duty to disclose all information which is known by me to be material to  
the patentability of this application as defined in 37 C.F.R. §1.56.

I hereby claim the benefit under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign  
application(s) for patent or inventor's certificate listed below and under 35 U.S.C. §365(a) of any  
PCT international application(s) designating at least one country other than the United States  
listed below and have also listed below any foreign application(s) for patent or inventor's  
certificate or any PCT international application(s) designating at least one country other than  
the United States for the same subject matter and having a filing date before that of the  
application the priority of which is claimed for that subject matter:

None

I hereby claim the benefit under 35 USC §119(e) of any United States provisional  
application(s) listed below:

<u>Application No.</u>	<u>Filing Date</u>
60/012,705	February 28, 1996
60/013,612	February 28, 1996
60/020,003	June 21, 1996

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and under 35 U.S.C. §365(c) of any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose all information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

United States				
United States	Filing or	Status or U.S.	International	International
<u>Application No.</u>	<u>§371 Date</u>	<u>Patent No.</u>	<u>Application No.</u>	<u>Filing Date</u>
09/059,164	April 13, 1998	Pending	--	--
09/050,603	March 30, 1998	Pending	--	--
09/038,878	March 11, 1998	Pending	--	--
08/808,931	February 28, 1997	Pending	--	--
08/472,028	June 6, 1995	5,767,373	--	--
08/261,198	June 16, 1994	Abandoned	--	--

I hereby appoint the attorneys and agents associated with Customer No. 001095, respectively and individually, as my attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all communications to

J. Timothy Meigs  
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Patent and Trademark Dept.,  
P.O. Box 12257  
Research Triangle Park, NC 27709-2257.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FIRST JOINT INVENTOR:

Full name : **Eric R. Ward**

Signature :



Date :

6/22/98  
(MM/DD/YY)

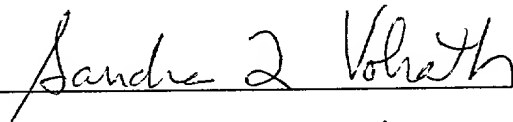
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SECOND JOINT INVENTOR:

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Date :

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(MM/DD/YY)

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THIRD JOINT INVENTOR:

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Signature :



Date :

06/22/98  
(MM/DD/YY)

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Residence : 408 Heather Drive  
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[illegible]

Signature : Sharon L. Potter

**Citizenship** : United States of America

**IMPORTANT:** Before this declaration is signed, the patent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.

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## CORRESPONDENCE INFORMATION

Correspondence Customer Number:: 022847

## APPLICATION INFORMATION

Title Line One:: HERBICIDE-TOLERANT PROTOX GENES PRODUCED  
Title Line Two:: BY DNA SHUFFLING  
Formal Drawings?: No  
Application Type:: Utility  
Docket Number:: PB/5-20757G  
Secrecy Order in Parent Appl.?: No

## CONTINUITY INFORMATION

